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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,372	11/20/2006	Masataka Fukuda	12400-071	9832
757 7590 08/16/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER COKER, ROBERT A	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 08/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,372	Applicant(s) FUKUDA ET AL.	
	Examiner Robert A. Coker	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,5,6,8,9 and 11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3,5,6,8,9 and 11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/24/2006 and 04/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 5, 6, 8, 9, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 20, "the pair" lacks antecedent basis.

In claim 6, lines 13 and 14 "the forward and backward direction" lacks antecedent basis.

In claim 9, line 21, "the respective lower ends" lacks antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3, 5, 6, 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Riedel et al., (U. S. 6,010,149).

With respect to claim 3, Riedel et al., discloses a side curtain air bag, which includes chambers expanded by gas supplied from a gas generator, and expands and develops into a curtain shape along a side part of a vehicle so as to protect vehicle

occupants, the side curtain air bag comprising: at least one primary chamber (2) which expands by gas supplied by the gas generator so as to protect an occupant; at least one secondary chamber (4) which expands by gas supplied by the gas generator, and wherein the secondary chamber is expanded and developed after the primary chamber is expanded and developed; and at least two tethers (3), each tether having one end attached to the side curtain air bag at a joint end and the other end attached to a vehicle at a fixation end, wherein, when the side curtain air bag is expanded and developed, the primary chamber and the secondary chamber are arranged such that a portion or all of the primary chamber and a portion or all of the secondary chamber respectively overlap a virtual band, the virtual band being formed along a virtual line connecting the respective joint ends of the pair of tethers (See Figure 9).

With respect to claim 5, Riedel et al., discloses the side curtain air bag, wherein the secondary chamber includes an opening communicating with the primary chamber, the secondary chamber being expanded by an inflow of the gas from the primary chamber (column 3, lines 34-35)(See Figure 9).

With respect to claim 6, Riedel et al., discloses a side curtain air bag, which includes chambers expanded by gas supplied from a gas generator, and expands and develops into a curtain shape along a side part of a vehicle so as to protect vehicle occupants, the side curtain air bag comprising: at least one primary chamber (2) which expands by gas supplied by the gas generator so as to protect an occupant; at least one secondary chamber (4) which expands by gas supplied by the gas generator, and wherein the secondary chamber is expanded and developed after the primary chamber

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is expanded and developed; at least two tethers (3), each tether having one end attached to an attachment point on the side curtain air bag at a joint end and the other end attached to a vehicle at a fixation end, in the forward and backward direction of the vehicle, wherein, when the side curtain air bag is expanded and developed, the primary chamber and the secondary chamber are arranged such that a portion or all of the primary chamber and a portion or all of the secondary chamber respectively overlap a virtual band, the virtual band being formed between a first virtual line connecting respective upper ends of the attachment points of the tethers and a second virtual line connecting respective lower ends of the attachment points of the tethers (See Figure 9).

With respect to claim 8, Riedel et al., discloses the side curtain air bag, wherein the secondary chamber includes an opening communicating with the primary chamber, the secondary chamber being expanded by an inflow of the gas from the primary chamber (column 3, lines 34-35)(See Figure 9).

With respect to claim 9, Riedel et al., discloses a side curtain air bag, which includes chambers expanded by gas supplied from a gas generator, and expands and develops into a curtain shape along a side part of a vehicle so as to protect vehicle occupants, the side curtain air bag comprising: at least one primary chamber (2) which expands by gas supplied by the gas generator so as to protect an occupant; at least one secondary chamber (4) which expands by gas supplied by the gas generator, and wherein the secondary chamber is expanded and developed after the primary chamber is expanded and developed; and at least two tethers (3), each tether having a joint end

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attached to the side curtain air bag at an attachment point on the side curtain air bag and a fixation end attached to a vehicle; in the forward and backward direction of the vehicle, wherein, when the side curtain air bag is expanded and developed, the primary chamber and the secondary chamber are arranged such that a portion or all of the primary chamber and a portion or all of the secondary chamber respectively overlap a virtual band, the virtual band being formed between a first virtual line connecting an upper end of the attachment point of one tether and the fixation end of the other tether, and a second virtual line connecting the respective lower ends of the attachment points of the tethers (See Figure 9).

With respect to claim 11, Riedel et al., discloses the side curtain air bag, wherein the secondary chamber includes an opening communicating with the primary chamber, the secondary chamber being expanded by an inflow of the gas from the primary chamber (column 3, lines 34-35)(See Figure 9).

Conclusion

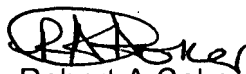
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tanase et al. (U. S. 6,820,893), Hoeft et al. (U. S. 6,758,490), Hammer et al. (U. S. 6,343,811), Tietze et al. (U. S. 6,290,253) and Riedel et al. (U. S. 6,010,149) disclose similar features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Coker whose telephone number is 571-272-8514. The examiner can normally be reached on Monday thru Friday, 8.30 a.m.-5:00

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p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert A Coker
Examiner
Art Unit 3616



ERIC CULBRETH
PRIMARY EXAMINER